

Even the People for the American Way has conceded, "No one has seriously contended that Sutton is personally biased against people with disabilities." Furthermore, Mr. Sutton's opposing counsel in the Garrett case, former Clinton administration Solicitor Seth P. Waxman, has written to me in support of Mr. Sutton. He stated:

I know that some have questioned whether the position Mr. Sutton advocated . . . in the Garrett case reflected antipathy on his part toward the Americans with Disabilities Act. I argued that case against Mr. Sutton, and I discerned no such personal antipathy. Mr. Sutton vigorously advanced the constitutional position of his client in the case, the State of Alabama; doing so was entirely within the finest traditions of the adversary system.

When Mr. Sutton was young, he regularly helped out at his father's school for children with cerebral palsy. As Ohio State Solicitor, he represented Cheryl Fisher, a blind woman who was refused admission to medical school. Ms. Fisher wrote of Mr. Sutton, "I recall with much pride just how committed Jeff was to my cause. He cared and listened and wanted badly to win for me. It was then I realized just how fortunate I was to have a lawyer of Mr. Sutton's caliber so devoted to working for me and the countless of others with both similar disabilities and dreams."

In National Coalition of Students with Disabilities v. Taft, Mr. Sutton successfully argued that Ohio universities were violating the federal motor-voter law by failing to provide disabled students with voter registration materials. Benson A. Wolman, former Director of the ACLU for Ohio and currently a member of its National Advisory Council, who recruited Mr. Sutton to work on the case, wrote:

[Mr. Sutton's] commitment to individual rights, his civility as an opposing counsel, his sense of fairness, his devotion to civic responsibilities, and his keen and demonstrated intellect all reflect the best that is to be found in the legal profession.

Mr. Sutton also serves on the Board of the Equal Justice Foundation, a public interest organization that provides pro bono legal services to the disadvantaged. During his tenure on the board, the Foundation has sued three Ohio cities to force them to build curb cuts to make their sidewalks wheelchair accessible, sued an amusement park company that banned disabled individuals from their rides, represented a mentally disabled woman in an eviction proceeding against her landlord who tried to evict her based on her disability, and represented a girl with tubercular sclerosis in a case alleging that the school was not properly handling her individual education plan.

I have received other letters from those who work in the disabled community who support Mr. Sutton. Francis Beytagh, Legal Director of the National Center for Law and the Handicapped, wrote:

I believe Jeff Sutton would make an excellent federal appellate judge. He is a very bright, articulate and personable individual

who values fairness highly . . . I do not regard him as a predictable ideologue . . . I recommend and support his confirmation without reservation.

James Leonard, co-director of the University of Alabama's Disability Law Institute, writes:

In my opinion, Jeffery Sutton is well-qualified to sit on the Sixth Circuit Court and should be confirmed . . . I also see no "agenda" on Mr. Sutton's part to target disabled citizens . . . Just as I would not infer an anti-disabled agenda from Mr. Sutton's participation in Garrett, neither would I assume from his role in the Fisher case that he had the opposite inclination. Rather, he seemed to be a good lawyer acting in his client's interests.

Beverly Long, Immediate Past President of the World Federation of Mental Health and former Commissioner of President Carter's Commission on Mental Health writes:

I have followed news reports of the intense lobbying against Mr. Sutton by various people who advocate on behalf of the disabled. This effort is unfortunate and, I am convinced, misguided. I have no doubt that Mr. Sutton would be an outstanding circuit court judge and would rule fairly in all cases, including those involving persons with disabilities.

In addition, my good friend from Iowa mentioned that he sat next to Senator Robert Dole at the Garrett arguments. Senator Dole, who has always been a great champion of disability rights, has of course joined the chorus of those who have written in support of Mr. Sutton.

There is simply no evidence to suggest that Mr. Sutton took the Garrett case due to any personal agenda. It is a well-established principle in the legal profession that lawyers should not be held responsible for the positions of their clients. The ABA Model Rules of Professional Conduct state, "A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities." Lawyers from across the country have written suggesting that it is not appropriate to attribute a client's views to the attorney, and it is certainly not appropriate in Mr. Sutton's case specifically.

My distinguished colleagues' own constituent and good friend Bonnie Campbell is included in those lawyers. She wrote, "I strongly urge the Senate to reject any unfair inference that Mr. Sutton's personal views must coincide with positions he has advocated on behalf of clients. It is, of course, the role of the advocate to raise the strongest available arguments on behalf of a client's litigation position regardless of the lawyer's personal convictions on the proper legal, let alone policy, outcome of the case. I am confident that Mr. Sutton has the ability, temperament, and objectivity to be an excellent judge."

In the Garrett case, Mr. Sutton was advocating for his client, the State of Alabama. Just as accused murderers are entitled to representation under the laws of this country, so are state

governments. Mr. Sutton has represented them both. We cannot attribute the position of the State of Alabama to Mr. Sutton, and we should not disparage him for fulfilling his ethical duty of zealous advocacy to his client. If the Supreme Court chose to accept the arguments he put forth on behalf of his client, we must respect its decision. While some of us who worked so hard on that legislation understandably may be disappointed, that disappointment should not be directed at Mr. Sutton. The principle of judicial review is well-established; Mr. Sutton ethically and honorably was fulfilling his role as an advocate. He has no personal agenda against Americans with disabilities. I have no doubt that if confirmed, Mr. Sutton will give any disabled American that comes before him a trial that is fair, impartial, and consistent with all our notions of justice.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

MORNING BUSINESS

Mr. SUNUNU. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DANIEL PATRICK MOYNIHAN

Mr. AKAKA. Madam President, I rise to join my colleagues in honoring the memory of our dear friend and colleague, Senator Daniel Patrick Moynihan. Millie and I extend our deepest condolences and prayers to his wife Elizabeth and the Moynihan family.

History will remember Daniel Patrick Moynihan as one of the most prescient American voices on public policy and international relations issues for the second half of the 20th Century. As a professor, author, adviser to four Presidents, Ambassador to India, and Ambassador to the United Nations, he had a rich and distinguished career, and a tremendous impact on our Nation's public policy and foreign relations, prior to his election to the Senate.

In the Senate, Pat Moynihan's illustrious service to his country and to his constituents in New York for four terms in the world's greatest deliberative body gave greater truth to that appellation. Many of my colleagues have spoken of Senator Moynihan's intellect, the encyclopedic width and breadth of his knowledge on an incredible range of public policy issues—history, architecture, culture, and philosophy, to name a few. He used the power of his intellect, along with great wit and dogged persistence, to fashion a record of accomplishments in the Senate that stands as a testament to his commitment to the preservation of the

family and the welfare of children and the poor, his staunch and principled opposition to communism and totalitarianism, his dedication to civil rights, the Constitution, and the rules and traditions of the Senate, and his passion for historic preservation and architectural distinction.

As chairman and ranking member of several Senate committees, and frequently, as a clarion on the Senate floor, Pat Moynihan helped shape transportation policy, international trade, intelligence matters, foreign policy, and economic and fiscal affairs that strengthened our Nation and our communities. For his myriad achievements, I don't think Senator Moynihan has received the credit he deserves for his role in shaping and shepherding through the Senate President Clinton's deficit reduction and economic plan in 1993. I remember that in the midst of all the responsibilities and pressures he faced as chairman of the Finance Committee, he responded to my request to discuss a few tax issues of particular importance to Hawaii by inviting me to his office for a cordial and illuminating discussion on an array of subjects. Pat Moynihan was always generous with his time and his wisdom. He served his country and the people of New York with elan, style, and grace. He will always be remembered as the gentleman from New York.

We mourn for his passing from this life, but we and future generations will continue to find inspiration, guidance, and courage in the splendid legacy of public service bequeathed the Nation by this brilliant statesman and patriot.

Ms. SNOWE, Madam President, I rise today to pay tribute to Senator Daniel Patrick Moynihan—whose words, thoughts, and deeds will forever reverberate throughout this Chamber and, indeed, throughout our country. I also extend my most heartfelt sympathies to his wife Liz and Senator Moynihan's entire family. We share in their profound sense of loss.

I was privileged to serve with Senator Moynihan from 1995, when I first arrived in the Senate, to his retirement in 2001. He was one of those truly legendary figures on the political landscape, but it was a reputation built not on procedural savvy or the brokering of power, but rather on the crafting and expression of ideas. It was the process of transforming intellectual thought into action—and not simply the process of politics—that will always remain the hallmark of Senator Moynihan's entire, exceptional life.

His was a life not wanting for opportunities to contribute. The curriculum vitae of Daniel Patrick Moynihan reads more as a biography of a man driven to synthesize the world of academics with the realm of politics in order to make a difference—and he did to wherever he served, whether at the Labor Department or at Harvard or as U.S. Ambassador to the United Nations or in the Senate. Perhaps most impressive of all, no man or woman is requested to serve

four different Presidents—of both parties, no less—unless they possess and exhibit only the most extraordinary qualities that engender the kind of trust a President must have in an advisor and confidant.

It could certainly never be said that Senator Moynihan equivocated on an opinion for fear of controversy. If he spoke—or wrote, which he did often and well—you always knew it was a viewpoint born of a careful study of history and a keen eye on contemporary society. He believed that society could be influenced to change itself for the better through its leaders—indeed, that those in a position to leave such a mark are obliged to do so.

Daniel Patrick Moynihan was a Democrat, but he was less about party and more about policies that would build a better country for all Americans—regardless of whatever political stamp such initiatives might bear. As Jonathan Alter so pointedly observed in his column in tribute to Senator Moynihan, he “consistently frustrated the foolishly consistent.”

In my own experience, I was privileged to work with him across the party aisle on a number of issues important to our region of the country, and also to men and women across the Nation. We worked together to try to strengthen and improve welfare reform in 1996, to enhance treatment under the National Breast and Cervical Cancer Early Detection Program for uninsured women, to bolster our Nation's transportation system, and to encourage private sector investment in bringing more advance Internet access to the people of rural America.

We also joined forces on numerous occasions to ensure that the Low-Income Home Energy Assistance Program was funded at levels sufficient to help those families in the cold and in need. And, together, we fought to ensure the Northeast States that were devastated by the historic ice storm of 1998 received the Federal assistance they required, and deserved.

Throughout his tenure, regardless of whether one agreed or disagreed on an individual issue, it could always be said that Senator Moynihan was a thoughtful, gentlemanly force for good. He had an influence on countless social policy initiatives over his tenure, offered his views for strengthening and protecting Social Security, and fought tirelessly on behalf of causes as diverse as public transportation and teaching hospitals.

Above all, he was never superficial, and he had the ability to see—and foresee—what others could not. Indeed, how fitting that a man of ideas would serve a nation founded on ideas. Senator Moynihan stood at the intersection of intellect, insight, and integrity, and in so doing left a lasting and positive impact on the people of the State of New York and the United States of America.

George Bernard Shaw said that “Life is no brief candle to me—it is like a splendid torch which I have hold of for

the moment and I want it to burn as brightly as possible before handing it over to the next generation.” That is the credo by which Daniel Patrick Moynihan lived his life, and we are the beneficiaries of his extraordinary spirit.

IN HONOR OF RUTH BURNETT OF FAIRBANKS

Mr. STEVENS, Madam President, I rise today to bring to the Senate's attention the dedicated service of one of my employees and great friends, Ruth Burnett. Ruth runs my Fairbanks office and has been a fixture with her husband, Wally, in the Fairbanks community for almost 50 years. All of her children have worked in my Washington office at one time or another, but currently Ruth is the only Burnett on my staff.

April 19 is Ruth's birthday and one which commemorates a year that she will be happy to have behind her—as Queen Elizabeth once remarked, “an annum horribulous.” Last fall, Ruth was diagnosed with ovarian cancer, underwent surgery, and immediately began an aggressive treatment of chemotherapy. By her birthday next week she will have completed her chemotherapy protocol and will begin rebuilding her strength. Her son Shane and daughters Pam and Suzy will join Wally and Ruth in Fairbanks to celebrate her birthday.

I could go on about Ruth's courage, her ever-optimistic outlook on life, her faith, and her boundless energy, but I think an article written by her 10-year-old granddaughter Emily Combs captures Ruth quite well. Catherine and I and my entire staff who work with Ruth on a daily basis send her our warmest wishes for a happy birthday and the beginning of a great new year.

I know the Senate joins me in wishing Ruth and her family well on the occasion of her birthday and in wishing her a speedy recovery.

I ask unanimous consent to print a short story by Emily Combs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INCREDIBLE JUMP

(By Emily Combs, September 19, 2002)

We looked ahead as we were peddling away when we saw a pretty steep mound of dirt. Surprisingly my grandma yelled excitedly, “Let's jump it!” I wanted to shout “no,” but no one can change grandma's mind once it's set. My grandma Ruth is amazing! She is sixty-eight years old, has brown hair, goes to church every Sunday and works for U.S. Senator Ted Stevens.

Apart from being a great athlete, my grandma looks fantastic. Her eyes are a brilliant blue, and have a sparkle to them when something exciting is going to happen. My grandma's hair is a walnut brown. She stands about five feet seven inches tall.

In addition, going to church is one of the biggest parts in my grandma's life. She goes to church every Sunday and is an elder at the church. Whenever they need help with a sermon, she's always willing to help as much